

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KIRK DAHL, et al., Individually and on)	Lead Case No. 1:07-cv-12388-EFH
Behalf of All Others Similarly Situated,)	(Consolidated)
)	
Plaintiffs,)	<u>CLASS ACTION</u>
)	
vs.)	ORAL ARGUMENT REQUESTED
)	
BAIN CAPITAL PARTNERS, LLC, et al.,)	
)	
Defendants.)	
)	
_____)	

**PLAINTIFFS' MOTION TO COMPEL
DEFENDANT JP MORGAN CHASE & CO. TO PRODUCE
DOCUMENTS IMPROPERLY WITHHELD AS PRIVILEGED**

Now come the Plaintiffs pursuant to Rule 37 of the Federal Rules of Civil Procedure and respectfully request that this Court order Defendant JP Morgan Chase & Co. ("JP Morgan") to produce documents that it has improperly withheld as privileged. Specifically, Plaintiffs ask that JP Morgan be directed to produce:

1. All documents logged as protected by the attorney-client privilege that were disclosed to third parties, including JP Morgan in its capacity as a financial advisor.

2. All documents withheld pursuant to JP Morgan's erroneous interpretation of the common interest doctrine.
3. All documents for which JP Morgan has not identified all recipients on its privilege logs, referring instead to recipients by way of a distribution list.

In support of this Motion, Plaintiffs submit the accompanying memorandum of law (filed under seal) and the Declaration of Lisa A. Furnald with attached exhibits. A Proposed Order is submitted herewith.

WHEREFORE, Plaintiffs respectfully request that this Court grant this motion to compel and order further relief as the Court deems just and appropriate.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Plaintiffs respectfully request oral argument on this Motion.

Dated: March 25, 2010

/s/ Stacey P. Slaughter

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**LOCAL RULES 7.1 and 37.1
STATEMENT**

The undersigned hereby certifies that Plaintiffs' counsel have conferred with counsel for JP Morgan Chase & Co. and have attempted in good faith to resolve or narrow the issues raised by this Motion.

/s/ Lisa A. Fernald

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CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2010, I caused Plaintiffs' Motion to Compel Defendant JP Morgan Chase & Co. to Produce Documents Improperly Withheld as Privileged to be served via the Electronic Filing system on all of Defendants' counsel of record and via e-mail on all defense counsel who have agreed to accept service via email at defendantsprivateequity@scott-scott.com.

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